

**REMARKS**

In the Office Action dated November 16, 2005, pending Claims 1-13 were rejected and the rejection made final. Applicants submitted an Amendment After Final, and an Advisory Action was issued on April 6, 2006 in which the outstanding rejections were maintained. In response Applicants have filed herewith a Request for Continued Examination and have amended independent Claims 1 and 5; have amended dependent claims 2, 3; cancelled claims 11-13; and added new dependent claims 14-24. Applicants intend no change in the scope of the claims by the changes made by this amendment. It should be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

All claims stand rejected under 35 USC § 102(e) as being anticipated by Glorikian. The Office is respectfully requested to reconsider the rejection in light of the following remarks.

The prior remarks made about the present invention are equally applicable here. The present invention broadly contemplates, in accordance with at least one presently preferred embodiment, communicating inferred information to a wireless communication device user. (Page 24, lines 2-3) Thus, the present invention offers the feature of providing a wireless communication device user with information pertinent to the current position of the user, information pertinent to the time of day at the location of the user, and information pertinent to (one or more) preferences of that user. (Page 4, lines 11-17; Page 13, lines 10-13) Preferences may be established by, for example, a user providing

preference information or by tracking user selections over time to determine preference through historical trends. (Page 13, lines 13-15) Inferences in accordance with the present invention may also be made on information actively used by others in the local area and/or information acted upon by others at a time proximate to the current time. (Page 13, lines 20-22) For example, if there is an accident, drivers in the local area may be providing information about alternate routes. Inferring a hidden surge in demand, the alternative route information may be automatically pushed, or provided to, any customer who is approaching the local area. (Page 13, lines 22-26) Thus, the present invention assists a wireless communication device user in obtaining information of interest to the user.

As has been noted previously, major distinction between Glorikian and the instant invention involves the filtering of information pushed to the user. For example, there is no disclosure in Glorikian of using or ascertaining time at the location of the wireless device to filter the information presented to a user by “inferring a likely interest” or “using an optionally determined need”. Further, there is no teaching or suggestion of Glorikian utilizing a profile of preferences of the user to infer the interests of the user. The profile which is mentioned in the outstanding Office Action refers to a profile of the user pertaining to the user’s mobile device. (column 6, lines 40 -55). The Office is reminded that in a telephone interview conducted August 26, 2004 between Applicants’ counsel and one of the inventors, Kannan Srinivasan, with the Examiner, it was agreed the Glorikian reference does not disclose filtering of information made available to an individual.

Independent Claims 1 and 5, as amended, now recite “communicating the information potentially of interest to the user of the wireless device, wherein the order in which the information is communicated is based upon at least one preference of the user.” The dependent claims set forth various non-exclusive embodiments of the present invention wherein “the at least one preference of the user is determined utilizing a profile of preferences of the user to infer the likely interest of the user” (Claims 3 and \_\_\_) and the profile of preferences may be obtained in a variety of ways, including ascertaining trends in selections made by the user, i.e., self learning (Claims 4 and \_\_\_), based on information received from at least one other wireless device (Claims 6 and \_\_\_), and based upon the user building the profile (Claims 16 and \_\_\_\_). Independent Claim 7 recites “using an optionally determined need to generate a recommendation of said information to be transmitted to said user”, and dependent claim 14 recites in one embodiment this need is determined using a profile of preferences of the user.

It is thus respectfully submitted that Glorikian clearly falls short of present invention, as defined by the claims. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction.” *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d 1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that Claims 1, 5, and 7 fully distinguish over the applied art and are thus in condition for allowance. By virtue of

dependence from what are believed to be allowable independent Claims 1, 5, and 7, it is respectfully submitted that Claims 2-4, 6, 8-10, and 14-24 are also presently allowable.

In summary, it is respectfully submitted that the instant application, including Claims 1-10 and 14-24, are presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

Applicants' undersigned attorney would welcome further discussion with the Office in the event there are any further issues in this application.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Stanley D. Ference III", is written over a horizontal line.

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